

<p style="text-align: right;">410</p> <p>1 Q. Well, I think you've 2 answered my question. 3 A. Okay. Okay. 4 MR. PHILLIPS: I'm going to 5 pass the witness to Ms. White. I 6 have no further questions. 7 8 EXAMINATION 9 10 BY MS. WHITE: 11 Q. My name is Pamela White and 12 I represent Ms. Koch and I've represented 13 her at least since April of 1998 when I 14 corresponded with Mr. Landau representing 15 LA Weight Loss at that time. 16 When did you learn that Ms. 17 Koch was making a claim against LA Weight 18 Loss? 19 A. I don't remember when I 20 learned of it. 21 Q. When did you learn that she 22 was represented by counsel? 23 A. I don't remember when. 24 Q. You became general manager</p>	<p style="text-align: right;">412</p> <p>1 your birth date is March 13th? 2 A. Yes. 3 Q. If my arithmetic at this 4 late hour is correct, you are 32 years 5 old right now? 6 A. Yes. 7 Q. And you turned 27 on March 8 13th, 1998? 9 A. I assume your arithmetic is 10 right. Yes. 11 Q. Do you recall celebrating or 12 marking your 27th birthday in any 13 particular fashion on March 13th, 1998? 14 A. No. 15 Q. You got a number of bonuses, 16 according to this document, Exhibit 2, in 17 April of 1998. Do you recall buying 18 yourself a present or spending the bonus 19 in a particular fashion in celebration of 20 your 27th birthday or for any other 21 reason? 22 A. No, I don't remember doing 23 that. 24 Q. Did you go on any trips when</p>
<p style="text-align: right;">411</p> <p>1 in the summer of '98? 2 A. Yes. 3 Q. Were you advised at that 4 time of the existence of a claim by Ms. 5 Koch? 6 A. I don't remember. 7 Q. Were you informed to the 8 best of your recollection, either in your 9 capacity as general manager or in your 10 prior capacity as training director, of 11 the importance of retaining documents 12 associated with Ms. Koch's employment? 13 A. I don't recall that. 14 Q. I'm asking that because 15 there is a legal responsibility on the 16 part of the company and its counsel and 17 its corporate officials to retain 18 documents when they know that there's a 19 claim outstanding arising under Title 20 VII. Does that assist you to refresh 21 your recollection? 22 A. No. Really, I don't 23 remember. 24 Q. You stated this morning that</p>	<p style="text-align: right;">413</p> <p>1 you were 26, heading to 27 years old? 2 A. I went on trips almost every 3 year of my life. 4 Q. Did you go on any trips in 5 January, February, March of 1998? 6 A. I don't remember. I'd have 7 to look at my records. 8 Q. The context in which I'm 9 asking is -- 10 A. I have no idea where I was. 11 Q. I'm sorry? 12 A. I'm sorry. I don't remember 13 taking a trip particularly that year. 14 But I have pictures and records of where 15 I was and what vacations I've taken. 16 Q. Did you maintain any diaries 17 where a record of a trip or your birthday 18 celebration would have been recorded? 19 A. No. 20 Q. Do you correspond with 21 friends or colleagues or family members 22 about birthday celebrations or trips or 23 special events? 24 A. Usually I celebrate with my</p>

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1 family.
 2 **Q. Do you maintain any notes or**
 3 **records or diaries of those kinds of**
 4 **celebrations?**
 5 A. No.
 6 **Q. Do you keep any Day-Timers,**
 7 **calendars? Did you in 1998?**
 8 A. Yes.
 9 **Q. And what happened to that**
 10 **Daytimer or diary, calendar?**
 11 A. I don't know. I probably
 12 threw it out.
 13 **Q. And you don't recall that**
 14 **anyone, Mr. Landau included, instructed**
 15 **that you should preserve your diaries and**
 16 **records as a supervisor of Kathy Koch at**
 17 **that time?**
 18 A. My personal travel records
 19 or --
 20 **Q. Any personal diaries of any**
 21 **kind.**
 22 A. I don't remember that
 23 conversation, no.
 24 **Q. Do you remember the first**

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1 **time you ever met Mr. Landau?**
 2 A. Do I remember? No.
 3 **Q. Do you remember the**
 4 **circumstances of your first meeting with**
 5 **Mr. Landau?**
 6 A. No.
 7 **Q. Do you remember what**
 8 **documents you reviewed to prepare for**
 9 **your deposition today?**
 10 MR. LANDAU: Object to that
 11 question because it calls for work
 12 product and I'll instruct the
 13 witness not to answer that.
 14 Actually, strike that. I withdraw
 15 that objection. You can answer
 16 that question, if you remember or
 17 not.
 18 MS. WHITE: Thank you,
 19 counsel.
 20 THE WITNESS: I don't
 21 remember. I think it was --
 22 MR. LANDAU: No. Only
 23 answer yes or no, whether you
 24 remember or not.

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1 THE WITNESS: I don't
 2 remember.
 3 BY MS. WHITE:
 4 **Q. To the best of your**
 5 **recollection, what documents did you**
 6 **review in preparation for your deposition**
 7 **today?**
 8 MR. LANDAU: Now, don't
 9 answer that question.
 10 MS. WHITE: She started to
 11 say I think, and I want to test
 12 this witness' recollection, which
 13 has been abysmal about substantive
 14 matters. I can at least test her
 15 about the documents.
 16 MR. LANDAU: You can show
 17 her documents and ask her if she
 18 reviewed them individually. But
 19 to ask her generally what
 20 documents she reviewed would
 21 reveal my selection of documents
 22 for her and therefore my work
 23 product.
 24 BY MS. WHITE:

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1 **Q. What did you do to prepare**
 2 **for this deposition?**
 3 A. I met with my attorney and I
 4 read the documents that were provided to
 5 me.
 6 **Q. By whom?**
 7 A. By my attorney.
 8 **Q. Were you provided any**
 9 **documents in advance of the meeting with**
 10 **your attorney?**
 11 A. No.
 12 **Q. Did you take any documents**
 13 **home with you to study after meeting with**
 14 **your attorney?**
 15 A. Just what he gave me.
 16 MS. WHITE: I'd ask counsel
 17 to provide me those documents at a
 18 convenient point in time.
 19 MR. LANDAU: I don't think I
 20 have to, but we can take that up
 21 later.
 22 BY MS. WHITE:
 23 **Q. Now, does any of that**
 24 **refresh your recollection about the**